

BOHANON

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

Sharon Kay Holmes,

vs.

James Walter Wack.

For plaintiff:

Jack B. Sellers

300 East Lee

Sapulpa, Okla. 74066

#

BA 4-9732

BA 4-9732

For defendant:

Richard D. Gibbon

217 Pythian Bldg

Tulsa, Okla

585 5537

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 10-1-68

Clerk

9-18-68 Sellers

15 00

9-19-68 C/D 12

15 00

2-6-70 Sellers

5 00

2-12-70 C/D 35

5 00

6-10-71 Sellers

5 00

6-17-71 C.D. No. 55

5 00

Basis of Action: Personal
Injury - Motor vehicle

Docket fee

Witness fees

Action arose at Pryor, Okla.

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-18-68	Complaint, filed. x summons issued x	b
9-23-68	Return on service of summons filed. Executed by serving James Walter Wack personally at Tulsa, Oklahoma on 9-19-68.(USM\$4.68)h	
10-18-68	Defendant's Answer, filed. ds	
10-29-68	Motion of plaintiff for order to reply, filed. g	
10-29-68	Brief in support of motion for order to reply, filed. g	
10-29-68	Plaintiff's reply filed. (Leave granted on motion)(LB-J) b	
11-6-68	Case set for pre-trial on Thursday 11-21-68 at 2:00 p.m. (LB-J)m	
11-21-68	Pre-trial hearing held. Plaintiff to prepare pre-trial order. Parties to submit trial briefs. Case to be set on next jury docket. (LB-J)(FS-CSR)m	
2-13-69	Case set for Jury Trial on Tuesday, 3-11-69 at 9:30 A.M. (LB-J)h	
3-10-69	It is ordered by the court that Jury trial as this case is hereby stricken from the jury docket of 3-11-69. (LB-J)h	
3-28-69	Case set for jury trial on Monday 4-21-69 at 9:30 a.m. (LB-J)m	
3-28-69	Deposition of Avery Paul Compton on behalf of plaintiff, taken before Loyd J. Christesson, CSR, filed. \$29.00 paid by plaintiff. ds	
4-16-69	Ordered that case is stricken from jury assignment of 4-21-69 and passed to next jury docket. (LB-J)m	
4-21-69	Pre-trial order, filed. (LB-J)m	
4-21-69	Deposition of Dr. Robert E. Moore filed. Taken in Beaumont, Texas on April 18, 1969.h	
8-7-69	Deft's request for production of document, filed. m	
8-26-69	Case set for jury trial Tuesday 10-28-69 at 9:30 a.m. (LB-J)m	
10-28-69	Case stricken from jury assignment of this date and passed to Wed., 10-29-69 at 9:30 a.m. (LB-J)m	
10-29-69	Case called for jury trial. All parties represented. Jury returns with a verdict for the pltf. and fixes her recovery in the amt. of \$15,000.00. (LB-J)m	
10-30-69	Verdict, filed in open court. m	
10-29-69	Plaintiff's requested instructions, filed. m (Set A)& B)	
10-29-69	Trial exhibits, filed. m	
11-3-69	Return on subpoena, filed. m	
11-10-69	Plaintiff's bill of cost in the amount of \$1,506.29 filed; set for taxing on Wednesday, November 19th, 1969 at 1:30 P. M. b	
11-12-69	Deft's motion for judgment notwithstanding the verdict and alternate motion for new trial, filed. m	
11-12-69	Brief in support of the motion for judgment notwithstanding verdict and new trial, filed. m	
1-7-70	Case called for hearing on deft's motion for judgment notwithstanding the verdict and alternate motion for new trial. Court orders a new trial and deft. to prepare order. (LB-J)m	
1-14-70	Case set for jury trial Tuesday 3-3-70 at 9:30 a.m. (LB-J)m	
2-2-70	Transcript of excerpt from proceedings on motion for judgment notwithstanding verdict and alternate motion for new trial, 1-7-1970, filed. (Frank Sickles, CSR)g	
2-4-70	Notice of appeal, filed. m (copies mailed to Richard D. Gibbon & Clerk, USCA)	
2-4-70	Bond for costs on appeal seeking review in the amt. of \$250.00, filed. m	
2-11-70	Journal entry of judgment, filed and entered, that deft. be granted a new trial and case to be set for trial. (LB-J)m (copies mailed)	
2-20-70	Application of pltf. for order staying taking of depositions and striking case from jury trial setting, with briefs in support, filed. m	
2-25-70	Ordered that the application of pltf. for order staying taking of depositions in Beaumont, Texas, on 2-26-70 be and it is sustained and the taking of such depositions is stayed. It is further ordered that the case be stricken from the trial docket of 3-3-70. (LB-J)m	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-9-70	Order extending time to file and docket appeal, until 4-20-70, filed. (LB-J) js	
4-20-70	Transcript of trial proceedings, Oct. 29 & 30, 1969, filed. (F. Sickles, Rptr.)g	
4-20-70	Record on appeal (3 volumes) forwarded to USCA. g	
5-25-70	Transcript of proceedings at time verdict was received, 10-30-69, and proceedings on motion for judgment notwithstanding verdict and alternate motion for new trial, Jan. 7, 1970, filed. g	
7-8-70	Stipulation allowing supplemental record, filed. g	
7-8-70	Supplemental record on appeal (containing transcript of proceedings at time of verdict, and on motion for judgment notwithstanding verdict and alternate motion for new trial) sent to USCA, Denver. g	
9-16-70	Ordered by the Court that this case is set for jury trial on Wednesday, October 28, 1970 at 9:30 a.m. (LB-J)b	
9-21-70	Mandate of USCA, 10th Circuit, dismissing appeal for lack of an appealable order, filed and spread of record. g	
9-21-70	Opinion of USCA, 10th Circuit, filed. g	
10-19-70	Pltf's motion to stay taking deposition, with brief in support of motion, filed. m	
10-19-70	Pltf's motion to strike case from jury setting, with brief supporting motion, filed. m	
10-23-70	Case passed from jury assignment of 10-28-70 to be reset. (LB-J)m	
10-28-70	Deposition of Murl E. Faulk, taken by Edna LaBove, Port Neches, Texas, filed. ds	
11-20-70	mCC of order of USCA, 10th Circuit, denying petitioner's petition seeking a writ of certiorari, filed. cpy to counsel. g	
1-11-71	Case set for jury trial Wednesday 2-17-71 at 9:30 a.m. (LB-J)m	
1-18-71	Pltf's affidavit for disqualification of Judge Bohanon, filed. m	
1-25-71	Order that affidavit to disqualify Judge Bohanon is denied, filed & entered. (LB-J)m (copies mailed counsel)	
2-17-71	Case called for jury trial & upon letter request of plaintiff, case is passed to next jury docket. (LB-J)m	
2-19-71	Order from 10th Circuit Court of Appeals denying petition for writ of mandamus, filed. m	
4-16-71	Case set for jury trial Monday 5-10-71 at 9:30 a.m. (LB-J)m	
5-10-71	Case tried to a jury May 10 & 11, 1971. Verdict is returned for the defendant and it is ordered received, read and filed in open court.	
5-10-71	Jury excused, (LB-J)m	
5-11-71	Trial exhibits, filed. m	
5-18-71	Judgment, filed and entered, that judgment is for the defendant and against the plaintiff, and costs to be assessed against plaintiff. (LB-J)g cpies mailed. g	
6-10-71	Notice of appeal by plaintiff, filed. cpy to USCA & Richard Gibbon	
6-10-71	Bond on Appeal (\$250 cash), filed. g	
6-18-71	Designation of record on appeal, filed. g	
7-20-71	Order extending time to Sept. 14, 1971, to docket appeal, filed. g (cpy to USCA, Sellers & Gibbon.)	
9-14-71	Transcript (orig. & file cpy) of trial proceedings on May 10 & 11, 1971, filed. g	
9-14-71	Appeal record in 5 vols. sent to USCA, 10th Circuit. g	
8-14-72	Mandate & Opinion of USCA, 10th Circuit, affirming judgment of 5-18-71, filed and spread of record. g	
9-11-72	Appeal record (5 vols.) received from USCA. g	
1-3-73	Pltf's motion for order directing clerk to disburse appeal bond, filed. hm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-5-73	Order to disburse cash appeal bond, filed. (Part of motion)(LB-J)hm (copies mailed)	